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PATENT COOPERATION TREATY

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From the INTERNATIONAL SEARCHING AUTHORITY

To:
 JEAN M. LOCKYER
 TOWNSEND AND TOWNSEND AND CREW LLP
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 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111

PCT

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT
 OR THE DECLARATION

(PCT Rule 44.1)

016325-01400PC

Date of Mailing
 (day/month/year) **16 MAR 2004**

Applicant's or agent's file reference
 16325-140PC

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
 PCT/US03/17825

International filing date
 (day/month/year)

04 June 2003 (04.06.2003) ✓

Applicant
 METABOLEX, INC. ✓

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
 Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 Facsimile No. (703)305-3230

Authorized officer

Bradley L. Sisson

Telephone No. 703-308-0196

Form PCT/ISA/220 (April 2002)

(See notes on accompanying sheet)

CC: DMW

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PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

016325-014000PC (PCT Article 17(2)(a), Rule 13ter.1(c) and 39)

Applicant's or agent's file reference 16325-140PC	IMPORTANT DECLARATION	Date of mailing (day/month/year)
International application No. PCT/US03/17825	International filing date (day/month/year) 04 June 2003 (04.06.2003)	(Earliest) Priority date (day/month/year) 04 June 2002 (04.06.2002)
International Patent Classification (IPC) or both national classification and IPC IPC(7): G01N 33/566 and US Cl.: 436/501; 435/455; 514/2		
Applicant METABOLEX, INC. ✓		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below.

1. ☐ The subject matter of the international application relates to:
- a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essential biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:
- ☒ the description ☐ the claims ☐ the drawings
3. ☒ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:
- ☐ the written form has not been furnished or does not comply with the standard.
- ☒ the computer readable form has not been furnished or does not comply with the standard.

4. Further comments:
Please See Continuation Sheet

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Bradley L. Sisson Telephone No. (703) 308-0196
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Form PCT/ISA/203 (July 1998)

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CC: DMW

**DECLARATION OF NON-ESTABLISHMENT OF
INTERNATIONAL SEARCH REPORT**
Form PCT/ISA/203 (July 1998)

International application No.

4. Further comments:

A computer-readable version of the Sequence Listing was provided, however, it does not comply with the standard and as such, it has not been entered into the database. It is noted with particularity that SEQ ID NO: 110 is identified as being 552 residues in length and is that of DNA. A review of SEQ ID NO: 110, however, finds that it is not DNA, but is an amino acid sequence. Additionally, the computer-readable version presents 819, not 552 residues.